THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

-

WRIT APPEAL No.857 OF 2005

Dt. 27.07.2005

Between:

The Deputy Executive Engineer,

G.E., Sub-Division No.2, Hiramandalam,

Srikakulam District. .. Appellant.

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And

1. Kalivarapu Suryanarayana, S/o. Appalaswamy,

Subalia Colony, Hirmandalam,

Srikakulam District and another .. Respondents.

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THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

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THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

-

WRIT APPEAL No.857 OF 2005

JUDGMENT: (per the Hon'ble Smt.Justice T.Meena Kumari)

The present Writ Appeal has been filed by the appellant-Management challenging the Order, dated 01.10.2004, in Writ Petition No.5048 of 1997 passed by a learned single Judge of this Court.

The said Writ Petition was filed by the appellant-Management aggrieved by the Award, dated 25.09.1996 passed by the Labour Court in Industrial Dispute No.60 of 1991.

It is the case of the first respondent-workman that he was appointed as a watchman on NMR basis and worked for more than one year continuously, but without passing any orders, his services were terminated even without complying the provisions of the Industrial Disputes Act, 1947 by the appellant-Management.

According to the appellant-Management, the first respondent-workman had worked for only 86 days within a period of three months and that he has got the records to show that he had worked only for 86 days.

The Labour Court after appreciating the evidence on record ordered for reinstatement of the workman and denied back wages as well as continuity of service. Aggrieved by the same, the Writ Petition was filed by the Management.

The learned single Judge after going into the merits of the case, concurred with the view taken by the Labour Court and dismissed the Writ Petition holding that the management cannot blame the Labour Court but has to blame itself for non-production of the record to show that the workman had worked only for 86 days.

In view of the cogent and convincing reasons given by the learned single Judge while dismissing the Writ Petition, we do not find any reason to interfere with the Order of the learned single Judge and hence, the Writ Appeal fails and is accordingly dismissed. No order as to costs.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 27.07.2005

bsv/lvl